Case 6887

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
:
Britta DAUME :
:
Serial No.: 09/491,841 :
:
Filed: August 23, 1999 :
:
For: A DEVICE FOR CONTACTING IN PARTICULAR ELONGATED ILLUSTRATIVELY SUBSTANTIALLY CYLINDRICAL BODIES SUCH AS CABLES OR PIPES/TUBES :

SUPPLEMENTAL APPEAL BRIEF

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SUPPLEMENTAL APPEAL BRIEF

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

I. INTRODUCTION

Applicant filed a Notice of Appeal on July 26, 2002, appealing the final rejection of July 2, 2002. A corresponding Appeal Brief was filed on February 26, 2003.

In reply, the examiner issued an Official Action on April 15, 2003 withdrawing the final rejection and reopening prosecution. All claims were rejected.

In accordance with 37 C.F.R. 1.193(b)(2)(ii), this Supplemental Appeal Brief is responsive to the rejection in the Official Action of April 15, 2003. A Request for Reinstatement of the Appeal is also attached hereto.

A check in the amount of $205.00 in payment of a two(2) month extension of time extending the due date for responding to the Official Action from July 15, 2003 to September 15, 2003 is attached to the Request for Reinstatement.

Applicant submits the new rejection, like all prior rejections, is incorrect. It is requested the rejection be reversed and this application be forwarded to issuance without further delay.

II. STATEMENT REGARDING REAL PARTY IN INTEREST

The real party in interest is the assignee of record; namely, Karin Daume Maschinenteile, GmbH & Co. KG of Burgwedel, Germany.

III. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences which directly affect or are directly affected by or have a bearing on the Board's decision in the present appeal.

IV. STATUS OF THE CLAIMS

A summary of the status of the claims now being appealed is as follows:

(a) Claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 are rejected under 35 U.S.C. 112, second paragraph as being indefinite;

(b) Claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22, 24, 25, 29 and 39 are rejected under 35 U.S.C. 102(b) as anticipated by Ellinwood (U.S. 2,279,866);

(c) Claims 23 and 26 are rejected under 35 U.S.C. 103(a) as unpatentable over Ellinwood; and

(d) Claim 30 is rejected under 35 U.S.C. 103(a) as unpatentable over Ellinwood in view of Tinnerman `627 (U.S. 2,423,627).

V. STATUS OF AMENDMENTS

No amendments have been filed subsequent to issuance of the Official Action mailed July 2, 2002 nor the Official Action mailed April 15, 2003.

Claim 25 does contain a typographical error and has been objected to in the Office Action. It is requested the Board instruct the examiner to correct this error via examiner's amendment and change "said elastic *sleeve* part" to "said elastic part".

VI. SUMMARY OF THE INVENTION

The invention is a device for providing electrical contact between a high frequency(HF) coaxial cable and an electric grounding

cable (20). Coaxial cables are used in the telecommunications industry for data transmission and often require connection to an electrical ground for purposes of safety. As is apparent, it is important the grounding clamp not affect the transmission properties of the coaxial cable. Applicant has developed a coaxial cable grounding clamp having an electrical contact protrusion that is integral with the metal contact element of the clamp and is sufficiently resilient so that it will abut against a conductor of a coaxial cable in an elastic manner. See page 4, lines 26-28, page 5, lines 1-7 and page 14, lines 1-11. The resilient nature of the contact protrusion negates deformation and compression of the outer conductor which would otherwise affect the transmission properties of the coaxial cable.

In the invention recited in independent claim 1, the device comprises a base structure(4) adapted to be tensioned around a coaxial cable, the base structure is provided with interior and exterior surfaces. Sealing lips(30 and 32) extend from the interior surface of the base structure to provide a seal between the base structure and a coaxial cable when the base structure is tensioned around a coaxial cable. A band shaped, electrically conducting contact element(10) is attached to the base structure. The band shaped, electrically conducting contact element includes at least one resilient, electrically conducting contact protrusion (40) formed integrally therewith and biased to extend beyond the sealing lips so that when the base structure is tensioned around a coaxial cable, the contact protrusion will rest against and provide electrical contact to a bare

segment (6) of a coaxial cable.

In the invention recited in independent claim 13, a device as set forth above is provided and the at least one resilient, electrically conducting contact protrusion (40) is a blade (52, 54 and 56 of figures 5 and 6; page 7, lines 13-19 and page 20, lines 17-28) projecting away from the interior surface of the base structure.

In the invention recited in dependent claim 11, the contact protrusion (40) is an embossing (page 6, lines 7-15 and figures 3 and 4) within the contact element (10).

VII. ISSUES ON APPEAL

This appeal raises the following issues:

(a) **Whether the examiner erred in rejecting claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 under 35 U.S.C. 112, second paragraph as being indefinite.**

(b) **Whether the examiner erred in rejecting claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22, 24, 25, 29 and 39 under 35 U.S.C. 102(b) as anticipated by** Ellinwood.

(c) **Whether the examiner erred in rejecting claims 23 and 26 under 35 U.S.C. 103(a) as unpatentable over** Ellinwood.

(d) **Whether the examiner erred in rejecting claim 30 under 35 U.S.C. 103(a) as unpatentable over** Ellinwood **in view of** Tinnerman `627.

VIII. GROUPING OF THE CLAIMS

The grouping of the claims for each rejection is provided below.

IX. ARGUMENT

Applicable Law

The rejections are based upon 35 U.S.C. §§ 103(a), 102(b) and 112, second paragraph.

The Legal Standard of Indefiniteness

35 U.S.C. § 112, second paragraph has two requirements.

The first concerns claim precision and definiteness. One skilled in the art must be able to tell with a reasonable degree of certainty whether his or her conduct is within or outside the scope of the claims. If the scope of subject matter embraced by a claim is clear, and if the applicant has not otherwise indicated that he intends that claim to be of a different scope, then the claim does particularly point out and distinctly claim the subject matter which the applicant regards as his invention.

The second requirement (which does not arise often) is the claims must be directed to the subject matter that the applicant regards as his or her invention. This means not only that an applicant may claim whatever he or she regards as his or her invention, but also that an applicant may not claim subject matter that he or she does not regard as his or her invention. *In re Borkowski*, 164 USPQ 642 (CCPA 1970).

The Legal Standard of Anticipation

MPEP § 2131 provides a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ2d 1051, 1053 (Fed. Cir 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

There can be no differences between the claimed invention and the disclosure as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Res. Found. v. Genentech Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991).

In relying upon a theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination the allegedly inherent element *necessarily* flows from the teachings of the prior art (emphasis added). *Ex parte Levy*, 17 USPQ2d 1461 (BPAI 1990).

The Legal Standard of Obviousness

To establish a *prima facie* case of obviousness, the examiner must satisfy three basic requirements. First, the prior art relied upon, coupled with the knowledge generally available in the art at the time

of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference. *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Second, the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991).

Third, the prior art reference or combination of references must teach or suggest all the limitations of the claims. *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970). The teachings or suggestions must come from the prior art and not applicant's disclosure. *In re Vaeck*, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991).

The Indefinite Rejection

Claims 1 and 13 (and their dependencies) do not properly describe the invention because although claims 1 and 13 recite a contact element attached to the base, pages 17 and 18 of the written description disclose a contact element as part of the base. Further, the base recited in claim 8 is constructed from a conducting material therefore this claim cannot be met if the band is part of the base. Claim 24 and many other dependent claims confuse the relationship between the base, contact element and elastic part.

The Anticipation Rejection

Claims 1 and 13 (and their dependencies) are anticipated by Ellinwood. Figures 5, 6, 7 and 8 of Ellinwood disclose the claimed base structure (elements 10 and 13) adapted to be tensioned around a cable. The cushion 13 shown in figure 7 of Ellinwood discloses the claimed sealing lips providing a seal. Reference number 10 of Ellinwood is the claimed band shaped electrically conducting contact element. Reference numeral 14 of Ellinwood is the claimed metallic protrusion. Reference numeral 11 of Ellinwood shows the claimed brackets or terminals connectable to a conductor and provided with sealing surfaces and adapted to sandwich an elastic sealing element. A positive seal is not claimed with respect to the sealing element.

The Obviousness Rejections

There are two separate obviousness rejections.

Regarding claim 23, the use of more than one screw is an obvious duplication of parts of Ellinwood. Regarding claim 26, because Ellinwood discloses the elastic part be formed of resilient rubber of (sic) other similar resilient and compressible material, one or average skill in the art would have concluded a thermoplastic elastomer meets those requirement and would have been an obvious modification.

The second obviousness rejection concerns claim 30. It is stated that although Ellinwood is silent as to how the screws are held in the bracket, because a threaded bracket of Tinnerman provides

a reduction in the number of parts, it would be obvious to provide the threaded bracket in Ellinwood.

Appellant's Position

1. The claims correspond to the subject matter of the invention and the language is clear and definite.

2. The relationship between the elements in claim 24 is understandable and not confusing.

3. Ellinwood fails to disclose all elements of the claims.

4. Factually supported *prima facie* obviousness has not been made.

5. There is in fact no prior art suggestion for modifying Ellinwood in the manner stated.

6. Ellinwood combined with Tinnerman fails to disclose all elements of the claims.

EXAMINER'S REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

A. THE EXAMINER ERRED IN REJECTING CLAIMS 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH.

1. Grouping of the claims

There is no grouping with respect to this rejection.

2. The Examiner's Position

Claims 1, 13 and 24 are stated to not properly describe the

invention. In particular, the examiner reasons claims 1 and 13 recite a contact element attached to the base, however the pages 17 and 18 of applicant's written description disclose a contact element as part of the base. The base in claim 8 is stated to be constructed from conducting material therefore the only way that his claim can be met by the present invention is if the band is part of the base. Claim 24 and many other dependent claims confuse the relationship between the base, contact element and elastic part.

1. The claim language is precise and definite and is directed to the subject matter of the invention.

Claim 1 is generic. See Restriction Requirement mailed July 28, 2000 and Election filed August 18, 2000. Claim 13 is specifically drawn to elected species 2 (figures 5 and 6). See Election filed August 18, 2000.

Claim 1, paragraph (c) recites a band shaped electrically conducting contact element attached to the base structure. Figures 1-9 and the corresponding portions of the specification describe four specific embodiments of the invention wherein the contact element is imbedded into the base structure for purposes of attachment. The remaining embodiments provide other manner of attachment of the contact element to the base structure, all of which are within the scope of the invention. See, for example, applicant's specification at page 21, line 21 et seq. regarding a fifth embodiment of the invention. In view of the above, the *attached to* language in claim 1 is definite and precise and directed to the subject matter to which

the invention pertains. Dependent claims 3, 7, 8, 11, 16-18, 20, 22-26, 29, and 39 are likewise definite and precise and allowable for the reasons stated with respect to claim 1.

Claim 13, paragraph (c) also recites a band shaped electrically conducting contact element attached to the base structure. The figures 5 and 6 embodiment recited in this claim is described in the specification as being similar to the first embodiment shown in figures 1-4 but for substitution of a blade shaped contact protrusion for the circular contact protrusion. The contact element is embedded into the base structure for purposes of attachment. The *attached to* language recited in this claim is definite and precise and is directed to the subject matter to which the invention pertains. Dependent claims 14 and 30 are allowable for the same reasons.

Claim 8 depends from generic claim 1 and corresponds to an eighth embodiment of the invention wherein the base structure adapted to be tensioned around a coaxial cable is a metallic tensioning element 64 i.e. a band shaped contact element constructed from electrically conducting material. This element is separate from contact element 10 which is attached to the metallic tensioning element via elastic part 22. See applicant's specification at page 11, lines 18-25; page 22, lines 21-25. The language in claim 8 is definite and precise and is directed to the subject matter to which the inventions pertains.

2. **The relationship between the elements in the claims is not confusing.**

Claim 24 is dependent upon generic claim 1 and provides the base structure 4 includes an elastic part 22, the elastic part having a surface coextensive with the interior surface of the base structure. Attention is directed to figure 2 illustrating the coextensive disposition of elastic part with the interior surface of the base structure. Because the elastic part is constructed from elastic material it is adapted for connection to the band shaped electrically conductive contact element 10 which is imbedded into the part. See applicant's specification at page 18, lines 1-7.

In view of the above, the relationship between the elements in claim 24 is precise and definite.

Regarding the so-called "many dependent claims" stated in the Official Action to confuse the recited elements, the examiner has not identified these claims nor provided a reasoned explanation concerning why they are confusing. Accordingly, a *prima facie* rejection has not been made. The rejection is clearly improper.

EXAMINER'S REJECTION UNDER 35 U.S.C. § 102(b)

A. THE EXAMINER ERRED IN REJECTING CLAIMS 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 AS ANTICIPATED BY ELLINWOOD.

1. Grouping of the claims

There is no grouping with respect to this rejection.

2. The Examiner's Position

Claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22, 24, 25, 29 and 39 are anticipated by Ellinwood. The device shown in figures 5, 6, 7 and 8 of Ellinwood discloses a base structure (elements 10 and 13) adapted to be tensioned around a cable. The cushion 13 shown in figure 7 of Ellinwood discloses sealing lips for providing a seal. Reference number 10 in Ellinwood is a band shaped electrically conducting contact element. Reference numeral 14 in Ellinwood is a metallic protrusion. Reference numeral 11 in Ellinwood discloses brackets or terminals connectable to a conductor and provided with sealing surfaces and adapted to sandwich an elastic sealing element. It is stated that a positive seal is not claimed.

1. All The Claim Limitations Are Not Shown In Ellinwood.

Contrary to the statement that all elements are disclosed in Ellinwood, the sealing lips in claims 1 and 13 subparagraph (b) are

not, therefore the rejection is unsupported by the prior art and should be withdrawn.

The sealing lips of the claimed invention are provided to seal the space between the base structure and the cable against penetration of air and/or moisture. See applicant's specification at page 1, last line through page 2, line 1; page 14, lines 12-19; page 15, lines 3-15; and page 18, lines 7-24.

It is asserted in the rejection that the edges of tubular cushion 13 as shown in figure 13 of Ellinwood are sealing lips operatively associated with a base structure and extending from an interior surface thereof for providing a seal between the base structure and a coaxial cable when said base structure is tensioned therearound. However, applicant notes page 1 of Ellinwood, first column, lines 34-55; page 2, first column, lines 7-17; and page 2, second column, lines 5-6 and 23-27 disclose a supporting clip having a tubular cushion 13 of compressible material for preventing displacement and dampening vibration of an oil or fuel conduit line. There is no disclosure of a seal against the conduit, whether to prevent air or moisture or any environmental condition from contacting the pipe. The mere fact edges of the cushion are shown to project cannot inherently suggest a seal in the manner claimed since the cushion does not even extend circumference of the pipe against which it is asserted to provide a seal. Nor is there disclosure in Ellinwood that suggests the material from which the cushion is constructed is weather resistant, impermeable, or has

other resistant characteristics that might inherently function to provide a seal against the pipe. To the contrary, the disclosed material characteristics are for cushioning, gripping and vibration reduction; none of which suggest sealing characteristics. Finally, the support clip associated with the cushion of Ellinwood holds and dampens a metal conduit on an aircraft, the conduit provided to convey air, oil or fuel. Such conduits do not require seals.

While it is understood that a claim is to be given by the examiner the broadest reasonable interpretation not inconsistent with applicant's disclosure, applicant would emphasize the operative words are *reasonable* and *not inconsistent*. See *In re Baker Hughes, Inc.* 55 USPQ2d 1149, 1152 (Fed. Cir. 2000) [the term `hydrocarbon' construed beyond that which was reasonable in light of the totality of the written description]. Applicant's written description discloses the sealing lips provide a seal against a bared coaxial cable. This language is in the preamble and the body of the claims. A seal provided by the sealing lips to prevent air and/or moisture from penetrating between the base structure and the coaxial cable, the outer conductor of which has bared segments. Ellinwood fails to disclose these sealing lips. Furthermore, the examiner has provided no reasonable basis in fact or technical reasoning to support a conclusion sealing lips *necessarily* flow from the disclosure of Ellinwood. If anything, the disclosure of Ellinwood suggests against any conclusion the cushioning material forms a seal against the exterior of the pipe. The rejection is improper and must be withdrawn.

Regarding dependent claim 39, the examiner states "no seal is positively claimed". Attention is directed however to claim 1, subparagraph (b) wherein a seal generated by the sealing lips is clearly recited. Further, the examiner has not identified for applicant the location in Ellinwood disclosure for the claimed base structure first and second ends having *connectable brackets provided with sealing surfaces*. The connectable brackets of Ellinwood do not even contain cushioning material, much less the claimed sealing surfaces. The rejection is improper and must be withdrawn.

EXAMINER'S REJECTION UNDER 35 U.S.C. § 103(a)

A. THE EXAMINER ERRED IN REJECTING CLAIMS 23 and 26 AS BEING UNPATENTABLE OVER ELLINWOOD.

1. Grouping of the claims

There is no grouping with respect to this rejection.

2. The Examiner's Position

With respect to claims 23, it is stated the use of more than one screw in Ellinwood is an "obvious duplication of parts". No further reasoning is provided.

With respect to claim 26, it is stated that because Ellinwood discloses the elastic part be formed of resilient rubber of (sic) other similar resilient and compressible material, one or average skill in the art would have concluded the claimed thermoplastic

elastomer meets those requirement and would have been an obvious modification.

With respect to claim 30, it is stated that although Ellinwood is silent as to how the screws are held in the bracket, because a threaded bracket of Tinnerman provides a reduction in the number of parts, it would be obvious to provide the threaded bracket in Ellinwood.

1. **The Examiner Has Failed To Establish *prima facie* Obviousness.**

With respect to claim 23, it is stated the use of multiple screws in Ellinwood would be an obvious duplication of parts. However, "obvious to try" is not *prima facie* obviousness. Some reason or suggestion in the prior art or other evidence of record must be shown that would have led one of ordinary skill to produce the claimed invention. See *In re Fine* at 1598.

The examiner has provided no reasons or suggestion in the prior art which would serve as a basis for why one of ordinary skill owuld provide multiple screws. The rejection is clearly improper.

2. **There is no prior art suggestion for modifying Ellinwood.**

Regarding claim 26, it is first stated that Ellinwood discloses the elastic part be formed of resilient rubber or similar "resilient and compressible material". It is then reasoned that one of average skill would have found the claimed thermoplastic elastomer "meets those requirement".

Applicant's elastic part 22 is formed from thermoplastic material to provide elastic characteristics to the base. See page 18, lines 1-3 of applicant's specification. Applicant's elastic part of thermoplastic material is not concerned with cushioning and vibration. Nor can Ellinwood be said to suggest a need to provide elasticity to the cushioning material. Because the purpose and intent of the cushioning material in Ellinwood is substantially different from the purpose and intent of elastic part 22 of the claimed invention, one of ordinary skill would not construct the Ellinwood cushioning material from an elastic TPE. The rejection is clearly improper and must be withdrawn.

3. **The Prior Art Does Not Disclose All Elements As Claimed**

As noted in Section IX, the prior art reference or combination of references must teach or suggest all limitations of the claims. *In re Wilson* at 496. The teachings or suggestions must come from the prior art and not applicant's disclosure. *In re Vaeck* at 1442.

Dependent claims 23 and 26 require the sealing lips recited in claim 1. As discussed at length above, Ellinwood fails to explicitly or implicitly disclose the claimed sealing lips. The rejection is improper for failing to teach or suggest all limitation of the claims.

EXAMINER'S REJECTION UNDER 35 U.S.C. § 103(a)

B. THE EXAMINER ERRED IN REJECTING CLAIM 30 AS BEING UNPATENTABLE OVER ELLINWOOD IN VIEW OF TINNERMAN '627.

1. Grouping of the claims

There is no grouping with respect to this rejection.

2. The Examiner's Position

Although Ellinwood is silent as to how the screws are held in the bracket, because the threaded bracket of Tinnerman provides a reduction in the number of parts, it would be obvious to provide the threaded bracket in Ellinwood.

1. **There is no prior art suggestion for the combination.**

It is stated that because Tinnerman `627 teaches use of a threaded bracket for reducing the number of required parts, one of ordinary skill would have used the threaded hole on the bracket of Ellinwood in the manner as taught in Tinnerman `637.

Applicant notes the modification to Ellinwood would not result in a device having less parts. Instead, the modification renders the Ellinwood device more complex.

Ellinwood teaches a plain bracket 3 having a bent over portion 7 terminating at a grounding strip 7. Tinnerman `627 discloses in

figure 6 a "thread-engager" comprising a pair of opposed tongues 19 on opposite sides of opening 14a. It is not understood how replacing the simple borehole of Ellinwood with the opposed tongues of Tinnerman `627 results in a reduction in the number of parts. If anything, the combination renders the Ellinwood clip more complicated. The modification cannot be suggested by the prior art because nothing in Ellinwood suggest desirability of a "thread-engager". The rejection is improper and must be withdrawn.

2. **The Proposed Modification Destroys The Intended Function Of Ellinwood.**

It is stated in the rejection that providing the treaded bracket of Tinnerman onto the bracket of Ellinwood will enable one to "secure the screw to the bracket prior to attachment". However, this modification renders the Ellinwood bracket inoperable.

The Ellinwood clamp is used to secure a fluid conduit to a structural element B of an aircraft and reduce vibration. See page 1, first column, lines 11-17. The clamp of Tinnerman `627 is adapted to bite into an enamel coating and provide electrical contact to a pipe. It does used to secure the pipe to a structure. Providing the tread engager of Tinnerman `627 onto the bracket of Ellinwood would render it inoperable for its intended purpose because it can no longer be attached to a supporting structure B.

The modification destroys the intended function of Ellinwood and has no reasonable expectation of success. See *In re Gordon*, 221 USPQ 1145 (Fed. Cir. 1984) [reference is not properly combinable or

modifiable in the intended *function* is destroyed]; *Amgen,Inc. v. Chugai Pharm. Co.* at 1023. The rejection is therefore improper and must be withdrawn.

3. **The Prior Art Does Not Disclose All Elements As Claimed**

As noted above in Section IX, the prior art reference or combination of references must teach or suggest all the limitations of the claims. *In re Wilson* at 496. The teachings or suggestions must come from the prior art and not applicant's disclosure. *In re Vaeck* at 1442.

Dependent claims 30 requires the sealing lips as recited in claim 13. As noted earlier, Ellinwood fails to explicitly or implicitly disclose the sealing lips as recited in claim 13. The rejection is therefore improper for failing to teach or suggest all limitation of the claims and therefore must be withdrawn.

X. CONCLUSION

For all the foregoing reasons, appellant submits the examiner erred in rejecting claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39. Appellant respectfully submits the rejection of April 15, 2003 be reversed in all respects.

Respectfully Submitted,

Date: AUGUST 28, 2003

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XI. APPENDIX

1.**(thrice amended)** A device for providing electrical contact to an outer conductor of a coaxial cable, the outer conductor having bare segments, said device comprising:

a) a base structure adapted to be tensioned around a coaxial cable, said base structure provided with an interior surface and an exterior surface;

b) sealing lips operatively associated with said base structure and extending from said interior surface thereof, said sealing lips for providing a seal between said base structure and a coaxial cable when said base structure is tensioned therearound;

c) a band shaped, electrically conducting contact element attached to said base structure, said band shaped, electrically conducting contact element including at least one resilient, electrically conducting contact protrusion formed integrally therewith and biased to extend beyond said sealing lips so that when said base structure is tensioned around a coaxial cable said resilient, electrically conducting contact protrusion will rest against the bare segments of the coaxial cable and provide electrical contact therewith.

3.**(amended)** Device as claimed in claim 1, and wherein said at least one resilient, electrically conducting contact protrusion is metallic.

7.**(amended)** Device as claimed in claim 1, and wherein said base structure is flexible.

8.**(thrice amended)** Device as claimed in claim 1, and wherein said base structure is a band-shaped contact element constructed from electrically conducting material.

11.**(amended)** Device as claimed in claim 1 and wherein said at least one resilient, electrically conducting contact protrusion is an embossing in said band shaped, electrically conducting contact element.

13.**(thrice amended)** A device for providing electrical contact to an outer conductor of a coaxial cable, the outer conductor having bare segments, said device comprising:

a) a base structure adapted to be tensioned around a coaxial cable, said base structure provided with an interior surface and an exterior surface;

b) sealing lips operatively associated with said base structure and extending from said interior surface thereof, said sealing lips for providing a seal between said base structure and a coaxial cable when said base structure is tensioned therearound;

c) a band shaped, electrically conducting contact element

attached to said base structure, said band shaped, electrically conducting contact element including at least one resilient, electrically conducting contact protrusion formed integrally therewith and biased to extend beyond said sealing lips so that when said base structure is tensioned around a coaxial cable said resilient, electrically conducting contact protrusion will rest against the bare segments of the coaxial cable and provide electrical contact therewith; and

d) said at least one resilient, electrically conducting contact protrusion consists of a blade projecting away from said base structure interior surface.

14.**(amended)** Device as claimed in claim 13 and wherein said blade is stamped out of said band shaped, electrically conducting contact element.

16.**(amended)** Device as claimed in claim 1 and wherein said base structure is configured in such a manner so as to enclose the coaxial cable to be contacted in an annular manner.

17.**(amended)** Device as claimed in claim 1 and wherein said base structure is a clamp adapted to be tensioned around the coaxial cable to be contacted.

18.**(amended)** Device as claimed in claim 16 and wherein said at least one resilient, electrically conducting contact protrusion is a radial projection extending from said band shaped, electrically conducting contact element.

20.**(twice amended)** Device as claimed in claim 16 and further comprising:

a) additional resilient electrically conducting contact protrusions, said additional resilient electrically conducting contact protrusions are mounted in a mutually spaced manner and in a circumferential direction of said base structure and in alignment along a single circumferential line thereof.

22.**(twice amended)** Device as claimed in claim 16 and wherein said base structure is integral and circumferentially open and includes first and second opposite ends each of which are provided with respective brackets that are connectable.

23.**(twice amended)** Device as claimed in claim 22 and wherein said respective brackets are adapted to be connected to each other with screws.

24.**(twice amended)** Device as claimed in claim 1 and wherein said base structure includes an elastic part, said elastic part having a surface coextensive with said base structure interior

surface and adapted for connection to said band shaped, electrically conducting contact element.

25.**(amended)** Device as claimed in claim 24 and wherein said elastic sleeve part is made of an elastic material and said band shaped electrically conducting contact element is at least one of imbedded in said elastic part or secured to an exterior surface thereof.

26.**(twice amended)** Device as claimed in claim 24 and wherein said elastic part is formed from a thermoplastic elastomer.

29.**(amended)** Device as claimed in claim 1 and wherein said band shaped, electrically conducting contact element is fitted with terminals to hook up to a conductor.

30.**(amended)** Device as claimed in claim 13 and wherein said band shaped, electrically conducting contact element includes first and second respective brackets and one of said first and second brackets comprises at least one aperture and the other of said first and second brackets comprises at least one threaded borehole operatively associated with said at least one aperture and further including at least one electrically conducting metal screw adapted for passing through said at least one aperture and engaging said at least one threaded borehole for providing a connection therebetween.

39.**(thrice amended)** Device as claimed in claim 22 and wherein each of said respective brackets of said base structure first and second opposite ends is provided with sealing surfaces, said sealing surfaces consisting of mutually facing interior surfaces , each of said mutually facing interior surfaces provided on a separate one of said respective brackets, said respective brackets extending from said base member and at least one of which is made of an elastic material adapted to sandwich an elastic sealing element therebetween when in an assembled position.

CASE LAW